

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SARATOGA

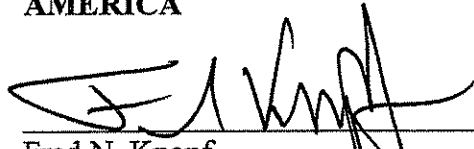
----- X  
TEDDY T. WHEELER, :  
Plaintiff, : Index No. 630/06  
 :  
v. :  
 :  
PRUDENTIAL FINANCIAL, INC., :  
 :  
Defendants. :  
----- X

**NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT**

PLEASE TAKE NOTICE that Prudential Insurance Company of America, defendant in this action, has filed with the Clerk of the United States District Court for the Northern District of New York a Notice of Removal on August 30, 2006. This Court is respectfully requested to proceed no further in this action, unless and until the action is remanded by the United States District Court.

A copy of the Notice of Removal filed with the United States District Court is attached hereto as **Exhibit "1"** and filed with this document. Notice of Removal has also been served upon all of the other parties in this action.

**DEFENDANT THE PRUDENTIAL  
INSURANCE COMPANY OF  
AMERICA**



Fred N. Knopf  
WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
3 Gannett Drive  
White Plains, New York 10604  
(914) 323-7000

**Exhibit 1**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

----- X  
TEDDY T. WHEELER, JR., :  
Plaintiff, :  
 :  
v. :  
 :  
PRUDENTIAL FINANCIAL, INC., :  
 :  
Defendants. :  
----- X

**NOTICE OF REMOVAL**

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK:**

Defendant The Prudential Insurance Company of America, by its attorneys, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, respectfully shows this Court:

1. By complaint dated April 5, 2006, the above-entitled action was commenced against defendant in the Supreme Court of the State of New York, County of New York, and is now pending therein.
2. On August 15, 2006, the defendants were served with the complaint in the above-entitled action.
3. No further proceedings have been had in this action.
4. The plaintiff's complaint alleges that plaintiff has been injured by defendant's denial of plaintiff's claim for long term disability benefits pursuant to an insurance policy issued by defendant.

5. Although the plaintiff's complaint alleges that this matter involves a "breach of the terms of the policy," the defendant's denial of plaintiff's claim is governed by the Employee Retirement Income Security Act (ERISA), 29 U.S.C. §§ 1001-1461.
6. This Court has original jurisdiction of the above-entitled action on the basis of the existence of a federal question pursuant to 28 U.S.C. § 1331, and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(b).
7. A copy of the complaint is attached as Exhibit A.
8. This notice is filed with this Court within thirty (30) days after service on the defendants in the above-entitled action.
9. Pursuant to 28 U.S.C. § 1446(d), simultaneously with the filing of the within Notice of Removal, defendants filed with the clerk of the Supreme Court of the State of New York, County of Saratoga, a Notice of Filing of Notice of Removal and served upon plaintiff's counsel a copy of same.

WHEREFORE, defendants pray that the above-entitled action be removed from the Supreme Court of the State of New York to this Court.

DEFENDANT

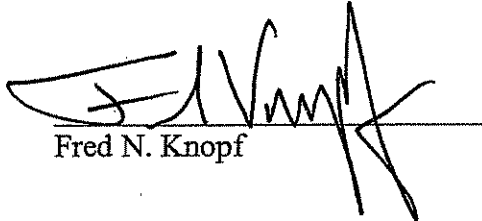
By: 

Fred N. Knopf  
WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
3 Gannett Drive  
White Plains, New York 10604  
(914) 323-7000  
knopff@wemed.com  
File: 09720.00045

**CERTIFICATION**

This is to certify that a copy of the foregoing has been mailed, by first class mail, postage prepaid, this 30<sup>th</sup> Day of August, 2006 to:

Michael P. Chenel, Esq.  
The DeLorenzo Law Firm, LLP  
Attorneys for Plaintiff  
201 Nott Terrace  
Schenectady, N.Y. 12307



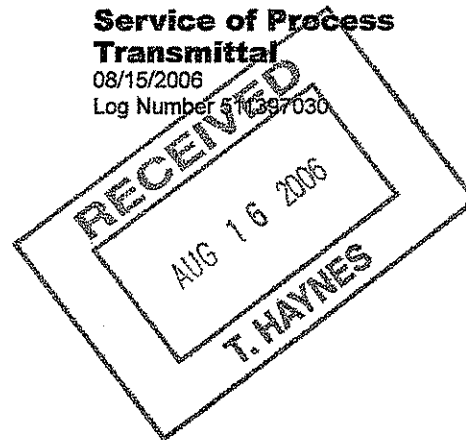
Fred N. Knopf

Exhibit A

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**CT CORPORATION**  
A WoltersKluwer Company

**Service of Process  
Transmittal**  
08/15/2006  
Log Number 511397030



**TO:** Christine Gillen  
The Prudential Insurance Company of America  
Legal Department, 751 Broad St, 4th Floor  
Newark, NJ, 07102

**RE:** Process Served in New York

**FOR:** Prudential Financial, Inc. (Domestic State: NJ)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

<b>TITLE OF ACTION:</b>	Teddy T. Wheeler, Jr., Plff. vs. Prudential Financial, Inc., Dft.
<b>DOCUMENT(S) SERVED:</b>	Letter, Summons, Verified Complaint
<b>COURT/AGENCY:</b>	Saratoga County: Supreme Court, NY Case # 20061630
<b>NATURE OF ACTION:</b>	Breach of terms of policy
<b>ON WHOM PROCESS WAS SERVED:</b>	C T Corporation System, New York, NY
<b>DATE AND HOUR OF SERVICE:</b>	By Certified Mail on 08/15/2006 postmarked on 08/10/2006
<b>APPEARANCE OR ANSWER DUE:</b>	Within 30 Days
<b>ATTORNEY(S) / SENDER(S):</b>	Michael P. Chenel, Esq.. The DeLorenzo Law Firm, LLP 201 Nott Terrace Schenectady, NY, 12307 518-374-8494
<b>REMARKS:</b>	Papers were served on the New York State Secretary of State on 08/08/2006.
<b>ACTION ITEMS:</b>	SOP Papers with Transmittal, via Fed Ex 2 Day, 790527209434 Email Notification, Legal Process Unit legal.process.unit@prudential.com
<b>SIGNED:</b>	C T Corporation System
<b>PER:</b>	Christopher Tilton
<b>ADDRESS:</b>	111 Eighth Avenue New York, NY, 10011
<b>TELEPHONE:</b>	212-894-8940

Page 1 of 1 / RJ

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of the package only, not of its contents.

State of New York - Department of State  
Division of Corporations

Party Served:  
PRUDENTIAL FINANCIAL, INC.

Plaintiff/Petitioner:  
WHEELER, TEDDY JR T

C/O C/O C T CORPORATION SYSTEM  
111 EIGHTH AVENUE  
NEW YORK, NY 10011

Dear Sir/Madam:

Enclosed herewith is a legal document which was served upon the Secretary of State on 08/08/2006 pursuant to SECTION 306 OF THE BUSINESS CORPORATION LAW.

This copy is being transmitted pursuant to such statute to the address provided for such purpose.

Very truly yours,  
Division of Corporations



STATE OF NEW YORK  
SUPREME COURT: COUNTY OF SARATOGA

TEDDY T. WHEELER, JR

Plaintiff,

- against -

PRUDENTIAL FINANCIAL, INC.,

Defendant.

Index No.:

Date Purchased:

Plaintiff designates

Saratoga

County as the place of trial.

The basis of the venue is  
where the plaintiff resides.

**SUMMONS**

County of Saratoga

SARATOGA COUNTY  
CLERK'S OFFICE  
BALLSTON SPA, NY

2006 JUL 17 AM 10:00

FILED

To the above named Defendant: (1) PRUDENTIAL FINANCIAL, INC.,

*You are hereby summoned* to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: July 12, 2006

  
MICHAEL P. CHENEL, ESQ.

THE DeLORENZO LAW FIRM, LLP

Attorneys for Plaintiff

201 Nott Terrace, Schenectady, New York 12307

(518) 374-8494

TO: Defendant:

(1) PRUDENTIAL FINANCIAL, INC.,  
C/O C/O CT CORPORATION SYSTEM  
111 EIGHTH AVENUE  
NEW YORK, NEW YORK 10011

STATE OF NEW YORK  
SUPREME COURT                      COUNTY OF SARATOGA

TEDDY T. WHEELER, JR.,  
  
Plaintiff,

-against-

PRUDENTIAL FINANCIAL, INC.,  
  
Defendant.

VERIFIED  
COMPLAINT

Index No.:

RJI No.:

2006/6/30

2006 JUL 17 AM 10:00  
SARATOGA COUNTY  
CLERK'S OFFICE  
BALSTON SPA, NY

FILED

Plaintiff, through his attorneys, The Delorenzo Law Firm LLP, as and for a complainant  
against the defendant, Prudential Financial, Inc., alleges as follows:

1. That the plaintiff is an individual with a primary place of residence located in the County of Saratoga, State of New York.
2. Upon information and belief, at all times hereinafter the defendant is a foreign business corporation, duly registered with the New York State Department of State and authorized to do business within the State of New York, with its principle place of business located at 751 Broad Street, Newark, New Jersey 07102.
3. That the plaintiff was employed by nonparty Grand Prix Jeep Chrysler, LLC, as a used car sales manager at all times relevant to this action.
4. That the defendant, Prudential Financial, Inc, provided, maintained, and acted as fiduciary over a Long Term Disability Policy ("Policy"), group policy number 40777, covering the plaintiff in the event of a defined disability.
5. That the Long Term Disability Policy was in full force and effect during the term of plaintiff's employment with nonparty Grand Prix Jeep Chrysler, LLC.
6. That the plaintiff, being a covered person under the Policy, became disabled as that term is defined under the Policy.

7. That the plaintiff, being a covered person under the policy, became disabled while the Policy was in full force and effect.

**AS AND FOR A FIRST CAUSE OF ACTION**

8. The plaintiff repeats and reiterates each and every allegation as alleged in paragraphs "1" through "7" of this complaint as though each were restated in full under this cause of action.

9. That as a term of employment with nonparty Grand Prix Jeep Chrysler, LLC, the plaintiff was offered and accepted the terms of the Policy.

10. That the plaintiff thereafter became disabled, as that term is defined in the policy, during or about August/September of 2004.

11. That the plaintiff thereafter demanded and required the defendant's compliance with the terms of the Policy.

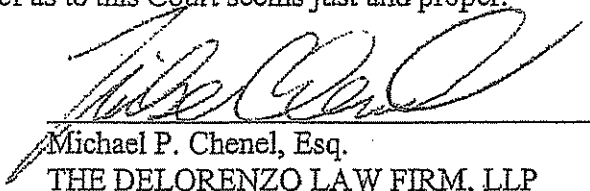
12. That the plaintiff was entitled to receive benefits as a covered person under the terms of the policy as of the onset of his disability in August/September 2004.

13. That the defendant is in breach of the terms of the policy.

14. The defendant has been damaged in an amount of One Million and 00/100 Dollars (\$1,000,000.00).

WHEREFORE, the plaintiff demands judgment against the defendant, Prudential Financial, Inc., in the amount of One Million and 00/100 Dollars (\$1,000,000.00), with interest from August, 2004, as well as reasonable attorneys fees, the costs and disbursements of this action, and for such other and further relief as to this Court seems just and proper.

Dated: April 1, 2006  
Schenectady, New York



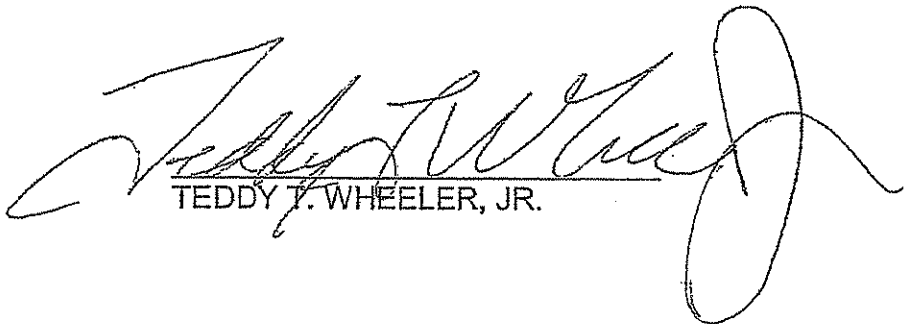
Michael P. Chenel, Esq.  
THE DELORENZO LAW FIRM, LLP  
Attorneys for Plaintiff  
201 Nott Terrace  
Schenectady, NY 12307  
Telephone: (518) 374-8494

VERIFICATION

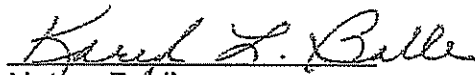
STATE OF NEW YORK       )  
COUNTY OF SCHENECTADY   )ss.:

TEDDY T. WHEELER, JR., being duly sworn, deposes and says: that deponent is the plaintiff in the within action; that deponent has read the foregoing Verified Complaint and knows the contents thereof; that the same is true to deponent's own knowledge except, as to those matters therein stated to be alleged, upon information and belief, and that, as to those matters, deponent believes them to be true.

DATED: April 5, 2006.

  
TEDDY T. WHEELER, JR.

Sworn to before me this  
5<sup>th</sup> day of April, 2006.

  
Notary Public

KARYL L. BALLE  
Notary Public, State of New York  
Qualified in Schenectady County  
No. 4778886  
My Commission Expires Aug. 31, 2010

STATE OF NEW YORK  
SUPREME COURT

Index No.:  
COUNTY OF SARATOGA

TEDDY T. WHEELER, JR.,

Plaintiff,

- against -

PRUDENTIAL FINANCIAL, INC.,

Defendant.

SUMMONS AND VERIFIED COMPLAINT

**THE DeLORENZO LAW FIRM, LLP**

ATTORNEYS FOR PLAINTIFF

Office and Post Office Address

201 Nott Terrace

Schenectady, New York 12307

(518) 374-8494

Sirs: Please take notice that the within is a true copy of a \_\_\_\_\_ entered in  
the office of the Clerk of the within named court on the \_\_\_\_ day of \_\_\_\_\_, 2006.

Dated: \_\_\_\_\_ at New York

THE DE LORENZO LAW FIRM, LLP

Attorneys for PLAINTIFF

Office and Post Office Address

201 Nott Terrace, Schenectady, New York 12307

(518) 374-8494

200608090334

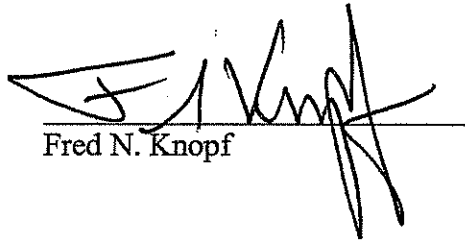
200608090363

**CERTIFICATION**

This is to certify that a copy of the foregoing has been mailed by first class mail, postage prepaid, this 30<sup>th</sup> Day of August, 2006 to:

Clerk of the Court  
Supreme Court of the State of New York  
County of Saratoga  
40 McMaster Street  
Ballston Spa, NY 12020

Michael P. Chenel, Esq.  
The DeLorenzo Law Firm, LLP  
Attorneys for Plaintiff  
201 Nott Terrace  
Schenectady, N.Y. 12307



Fred N. Knopf